

ARTICLE ____

To see if the Town will vote to amend the Zoning Bylaw by adding a new Section VII.M, Lakeway Overlay District, as follows:

M. LAKEWAY OVERLAY DISTRICT**1. Purposes.**

The Town shall have a Lakeway Overlay District (LOD) as shown on the Zoning Map entitled, "LAKEWAY OVERLAY DISTRICT, TOWN OF SHREWSBURY," dated March 2, 2004, on file in the office of the Town Clerk. The purposes of the Lakeway Overlay District are to:

- a. Encourage a mix of commercial, residential, institutional and civic uses in a physical arrangement that is safe for vehicular, pedestrian and bicycle traffic;
- b. Provide viable alternatives to conventional commercial sprawl, thereby assisting the Town in creating and maintaining a vibrant, walkable commercial area;
- c. Promote shared access and appropriate links to adjoining properties, thereby lessening the need for curb openings on Route 9.

Toward these ends, the Planning Board is authorized to apply design guidelines, flexible dimensional regulations and site standards to the review of site plans and special permits in the Lakeway Overlay District, as set forth below.

2. **Applicability.** The Lakeway Overlay District is an overlay district that applies to portions of the Commercial Business and Limited Business Districts along Route 9, as shown on the LAKEWAY OVERLAY DISTRICT map dated March 2, 2004. As an overlay district, it provides development options that do not exist in the underlying zoning districts. Except as provided below, all use, dimensional and development regulations of the Commercial Business and Limited Business Districts remain in effect and are not altered by this Bylaw.

3. **Relationship to Site Plan Review.** All permitted and special permitted uses in the Lakeway Overlay District are subject to Article VII, Section F: Site Plan.

4. Definitions.

- a. **Mixed-Use Development: Vertical Mix.** An integration of commercial and multi-family residential uses in a single structure in which the residential uses are located above the ground floor.
- b. **Mixed-Use Development: Horizontal Mix.** An integration of commercial and multi-family residential uses in a development comprised of two or more structures on the same lot. The multi-family residential uses may be located above the ground floor of a commercial structure, in separate structures on the same lot, or a combination thereof.

5. Permitted Uses and Structures.

- a. Mixed-Use Development: Vertical Mix. Uses permitted (Y) in the Commercial Business District or Limited Business District, when integrated with one or more of the following uses in a single structure:
 - 1. Dwelling units above the ground floor of a commercial building.
 - 2. Live-and-work space, e.g. artist's residence and studio.
 - 3. In a vertical mixed-use development, permitted commercial uses shall constitute at least 30% of the total gross floor area of the structure.
- b. Conversion of a one-family dwelling, existing at the time of the original adoption of this section of the Bylaw, for a permitted retail or office use, or for a combination of permitted retail, office and residential uses.
- c. No use listed as a prohibited use under Section M.7 of this Bylaw may be included in a vertical mixed-use development or a one-family conversion.

6. Uses and Structures Permitted by Special Permit.

- a. Mixed-Use Development by Special Permit: Horizontal Mix. In the Lakeway Overlay District, the Planning Board may issue a special permit for a development that includes more than one structure on a single lot and integrates permitted or special permitted uses in the Commercial Business District or Limited Business District with the following additional uses:
 - 1. Multi-family garden-type apartments (SP-PB), subject to a new footnote to Table I:

(28) Multi-family use is allowed as part of a mixed-use development subject to the requirements of Section VII-M. Lakeway Overlay District. Multi-family units may be located above the ground floor of a commercial building, accessed by an entrance separate and distinct from commercial uses, in a multi-family building to the side or rear of the same lot, or a combination thereof. Multi-family building disposition (placement) in relation to the principal commercial structure shall be subject to the approval of the Planning Board.
 - 2. Multi-family townhouse-type structures (SP-PB), subject to a new footnote to Table I:

(29) Use allowed by special permit subject to the requirements of Section VII-M. Lakeway Overlay District.
- b. Marinas.
- c. No use listed as a prohibited use under Section M.7 of this Bylaw may be included in a horizontal mixed-use development.

7. Prohibited Uses.

- a. Single-family detached dwelling.

- b. Hospital or sanitarium.
- c. Stand-alone automatic teller machines (ATM) that provide public access from a drive-up window or outside a building, except when part of a building in which the principal use is a commercial banking establishment.¹
- d. Restaurants or other places for serving food not confined to service on the premises¹
- e. Gasoline service stations.
- f. Garage and repair shops.
- g. Salesrooms for Automobiles and Motor Cycles
- h. Mortuaries or crematories
- i. Auditoriums, skating rinks, clubs and other places of amusement or assembly where activities are conducted *outside* the structure.
- j. Adult bookstore, adult motion picture theater, adult paraphernalia store, adult video store, or establishment which displays live nudity for its patrons¹
- k. Any use which will produce a nuisance or hazard from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent or electrical interference which may affect or impair the normal use and peaceful enjoyment of any property, structure or dwelling in the Town.
- l. Any use not explicitly provided for in this Bylaw.

8. **Dimensional, Setback and Intensity Regulations.**

Uses in the Lakeway Overlay District shall meet the following requirements, subject to the corresponding footnotes to Section VII, Table II:

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| a. | Minimum Lot Area: | 40,000 feet (16) |
| b. | Minimum Frontage: | 150 feet (16) |
| c. | Front Yard Setback (<u>Maximum</u> Feet): | 20 (17) |
| d. | Side Yard Setback (Feet): | None (18) |
| e. | Rear Yard Setback (Feet): | 20 (19) |
| f. | Additional Area/Dwelling Unit: | N/A |
| g. | Open Space % Lot Area: | 15% |

¹ Use prohibited in the Lakeway Overlay District and in any portion of a district underlying the LOD.

- h. Lot Coverage: 50%
- i. Maximum Height (Feet): 35 (20)
- j. Maximum Number of Stories: 3 (20)

Footnotes to Table II:

(16) Where the underlying district is less than 300 feet in depth, the minimum lot size for uses in the Lakeway Overlay District shall be 20,000 square feet and the minimum frontage, 100 feet.

(17) The front yard setback in the Lakeway Overlay District is a maximum setback that the Planning Board may waive by special permit only for a development that consists of more than one structure on a single lot and only for structures located to the rear of a lot. No parking shall be permitted in the front yard setback.

(18) Except 50 feet when abutting a Rural or Residence district.

(19) Except 50 feet when abutting a Rural or Residence district.

(20) The Planning Board may, by special permit, authorize a maximum height up of 60 feet and five stories for development that consists of more than one structure on a single lot, provided the taller elevation/s is/are located to the rear of the lot, the structure at the front lot line conforms to the height requirements of Table II, the structure with the taller elevation is for a mix of uses but predominantly residential, and the lot does not abut a Rural or Residence District. The Planning Board may impose conditions on the special permit to require at-grade parking under a structure of 60 feet and five stories, with the parking facility constituting one story.

9. **Development Regulations for the Lakeway Overlay District.**

Development, redevelopment and reuse will generally be deemed consistent with the purposes of the Lakeway Overlay District when it meets the following objectives: (a) provides appropriate scale, design, operation and visual character for a New England downtown or central business district, (b) avoids “big box” development, (c) consolidates and minimizes curb cuts, subordinates the location of parking to buildings, and provides exemplary architectural design, (d) strengthens the local economy, (e) encourages pedestrian and bicycle access along major and side streets, and between commercial or mixed-use properties, and (f) encourages people to live, work and shop in Shrewsbury by providing a planned mix of uses.

a. Multi-Family Dwellings

Multi-family garden-type apartments and multi-family townhouse dwellings may be allowed by special permit from the Planning Board when part of a horizontal mixed-use development in the Lakeway Overlay District, subject to the following requirements:

- 1. Multi-family garden-type apartments may be located above the ground floor of a building, provided that the ground floor is occupied by permitted or special permitted commercial uses.

2. Multi-family garden-type apartments may be allowed in separate buildings located to the side and rear portions of a lot on which the primary structure facing the street contains a vertical mix of commercial and residential uses, provided that no more than 60% of aggregate gross floor area on the lot is for residential uses. The Planning Board may waive the requirement that the primary structure contain a vertical mix of commercial and residential uses when the height of the primary structure is at least 35 feet and two and one half stories. Multi-family building disposition (placement) in relation to the principal commercial structure shall be subject to the approval of the Planning Board.
3. Multi-family townhouse-type structures may be allowed in separate buildings located to the side and rear portions of a lot on which the primary structure facing the street contains a vertical mix of commercial and residential uses, provided that no more than 60% of aggregate gross floor area on the lot is for residential uses. The Planning Board may waive the requirement that the primary structure contain a vertical mix of commercial and residential uses when the height of the primary structure is at least 35 feet and two and one half stories. Building disposition (placement) in relation to the principal commercial structure shall be subject to the approval of the Planning Board.
4. Multi-family garden-type apartments and multi-family townhouse-type structures must provide affordable housing in accordance with Community Benefits (below).
5. The maximum number of garden-type apartments or townhouse-type units allowed in a single development shall not exceed the limit in Footnote 5 of Table I, Section VI.
6. Aggregate maximum gross floor area of garden-type apartments or townhouse-type units approved by special permit from the Planning Board shall not exceed 40% of aggregate gross floor area of all uses in the Lakeway Overlay District, including permitted or special permitted uses in the underlying district.

b. Site Development; Location of Buildings and Structures

In addition to the requirements of Section VII of this bylaw, the following development regulations apply in the Lakeway Overlay District.

1. Multiple buildings on a single lot. By special permit from the Planning Board, a lot in the Lakeway Overlay District may contain more than one structure with a principal use, but the total amount of development on any lot shall not exceed a gross floor area ratio of 1.5. The Planning Board may grant approval for two or more structures on

one lot only upon making a determination that the proposed development:

- (a) Contains a mix of commercial and residential uses.
- (b) Meets Lakeway Overlay District Design Guidelines
- (c) Addresses the criteria under Community Benefits.

c. Site Plan Submission Requirements

All uses in the Lakeway Overlay District shall be subject to site plan review or site plan approval, as applicable, by the Planning Board. Applications and procedures shall be in accordance with Section VII-F and the following additional requirements for Site Plan Content:

- 1. Elevations of all proposed buildings, prepared and stamped by a registered professional architect.
- 2. A landscaping plan showing the location, name, number and size of plant types, and the locations and elevation and/or height of planting beds, fences, walls, steps and paths, prepared by a registered landscape architect.

d. Site Plan Approval Criteria

The Planning Board shall approve a site plan only upon a determination that the plan meets the requirements of Section VII-F.3.h and the following additional design criteria for the Lakeway Overlay District. Specifically, the Planning Board shall find that the site plan:

- 1. Promotes public safety by avoiding pedestrian or vehicular hazards within the site or egressing from it, facilitating access by emergency vehicles and facilitating visual surveillance by occupants, neighbors and passersby.
- 2. Minimizes curb cuts on existing public ways. Wherever feasible, access to lots in the Lakeway Overlay District shall be provided through one of the following methods: (a) through a cul-de-sac or loop road or common driveway shared by adjacent lots or premises, (b) through joint and cross access between the lot and adjacent uses, (c) through an existing side or rear street.
- 3. Contributes to a visually attractive, pedestrian- and bicycle-oriented image throughout the Lakeway Overlay District by providing appropriate landscaping and walkways along Route 9 and between adjoining properties. In addition:
 - (a) The front yard area should provide pedestrian amenities, such as an accessible patio or sitting plaza, and a continuous landscaped edge to the property in question,

except for points of entry and exit. Visual relief from buildings and hard materials shall be accomplished with landscape treatment such as shrubs, trees, flower boxes and other greenery around buildings or in recessed places.

- (b) If no public sidewalk exists across the frontage of the lot, a paved sidewalk of at least six feet in width shall be provided within the front yard setback and to the maximum extent possible, the sidewalk shall be designed to create a continuous pedestrian walkway with the abutting properties.
- (c) Parking shall be located to the rear of a building and may be located to the side, provided that no off-street parking is located within 20 feet of the front elevation facing Route 9.
- (d) Parking areas shall include appropriate, visible facilities for the parking of bicycles.

- 4. Enhances the natural environment by preserving mature trees where they exist, reducing the volume of earth materials cut or filled, reducing soil erosion during and after construction and reducing the extent of alteration in the amount, timing and location of stormwater runoff from the site.
- 5. Addresses the Lakeway Overlay District Design Guidelines to the maximum extent practical given the size of the proposed development, its mix of uses, and its relationship to abutting properties.

e. Lakeway Overlay District Design Guidelines

The following design guidelines apply to all uses and structures in the Lakeway Overlay District and should be addressed, to the maximum extent practical, in applications for site plan review or site plan approval, as applicable.

- 1. General. The elements on a building's elevations are crucial to its overall architectural quality, its presence and contribution to the surrounding area. A two- to two-and-one-half story elevation is preferred for structures facing Route 9, but a three-story elevation is acceptable. The Planning Board may approve taller elevations for structures located to the rear of a lot. In addition, a pleasing, symmetrical arrangement of windows, entrances, trim, shutters and other details, and proportionality of these features, creates a rhythm that will accomplish the town's objectives for the Lakeway Overlay District. Generally, buildings should contribute to a sense of continuity and coherence for all who visit, shop or work there. Architectural diversity is encouraged as long as individual design

solutions are compatible with the purposes of the Lakeway Overlay District as a compact, mixed-use area with a strong visual definition.

2. Site context. Recognizing that major visual exposure comes not only from the building front, applicants must give full attention to the treatment of sidewalks, landscaping, parking areas and the building wall at the rear and sides.
3. Orientation. Buildings should not turn their backs to the street. They should face the street, and may be oriented around a courtyard or respond in design to a prominent feature, such as a corner location. Buildings and site design should provide an inviting entry orientation.
4. Size, mass, facades and exterior features. No single structure may exceed 80,000 gross square feet. A single building with a width of more than 60 feet facing the street should be divided visually into sub-elements which, where appropriate, express the functional diversity within the building. In addition, all buildings should:
 - (a) Provide continuous visual interest, emphasizing such design features as bay windows, recessed doorways, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings or canopies.
 - (b) Avoid unarticulated and monotonous building facades and window placements, regular spacings, and building placements that will be viewed from the street as continuous walls.
 - (c) Provide human-scale features, especially for pedestrians and at lower levels and from a pedestrian viewing distance.
5. Accommodation of taller buildings. Taller buildings must be located away from Route 9 and from abutting and off-site residential areas.
6. Exterior materials. Exterior materials may include painted clapboard, wood shingles, brick or materials of comparable appearance, subject to approval by the Planning Board. Neutral or earth-tone colors are appropriate, but brighter colors may be applied to building trim with approval of the Planning Board. Variation in materials, appropriate colors and textures is encouraged when they contribute to the purposes of the Lakeway Overlay District. Rough, imitation or reflective materials such as unpainted wood, field stone, stucco, smooth-face concrete, exposed metal, imitation materials, mirror glass, porcelain enamel or polished stone are prohibited unless authorized by special permit from the Planning Board.

7. Rooflines and roof features. A flat or nearly flat roof is prohibited on any building facing the street in the Lakeway Overlay District, except as provided below.
 - (a) Structures facing Route 9 should have a simple gable roof with an average slope of 6 over 12. A structure that fronts on and faces a side street should have a simple gable roof with a pitch of at least 8 over 12, or a gambrel or a hip roof. The roof trim should have depth and projection of details.
 - (b) The Planning Board may grant a special permit to authorize a flat-roof design on a structure facing Route 9, provided that a flat roof structure shall be capped by an articulated parapet design that acts as a structural expression of the building façade and its materials.
 - (c) For other structures, roof features should complement the character of adjoining development and meet the purposes of the Lakeway Overlay District. Roofs shall, at a minimum, have articulated parapets concealing flat roofs and rooftop equipment, (such as HVAC units) which are visible from adjoining public streets or properties. Parapets or facades shall be designed to give the appearance of three or more roof slope planes.
8. Environmental design. Applicants are encouraged to use green building technologies and materials, wherever possible, to limit environmental impacts.
9. Large retail development. Large retail developments of more than 50,000 square feet of floor area should provide outdoor spaces and amenities to link structures with surrounding areas in the Lakeway Overlay District. Passenger drop-off/pick-up points shall be integrated with traffic patterns on the site. Special design features shall enhance the building's function as a center of activity within the District. Unless waived by the Planning Board, each large retail development shall provide at least one of the following design features, which shall be constructed of materials that match the principal structure and linked by sidewalks to the principal structure:
 - (a) Patio/seating area.
 - (b) Pedestrian plaza with benches.
 - (c) Window shopping walkway.
 - (d) Play areas.
 - (e) Kiosk area.

- (f) Water feature or clock tower.
- (g) Other focal feature approved by the Planning Board.

f. Community Benefits

The Planning Board may grant a special permit for a mixed-use development that includes multi-family garden-type apartments or multi-family townhouse-type structures when the development provides community benefits. For purposes of this bylaw, “community benefits” shall include low- or moderate-income affordable housing and one of the additional benefits described below.

1. Low-income affordable housing. A mixed-use development shall provide 10% of the dwelling units as affordable in perpetuity to households with incomes at or below 80% of area median income as determined by the U.S. Department of Housing and Urban Development (HUD). “Affordable” shall account for adjustments to income based on household size/s suitable for the proposed dwelling units, as presented in the formula for below-market housing.
2. For mixed-use developments that receive a special permit on the condition of including low-income affordable units, no occupancy permit shall be issued for:
 - (a) An affordable housing use restriction or regulatory agreement approved by the DHCD Local Initiative Program (760 CMR 45.00) has been recorded at the Registry of Deeds.
 - (b) Applicants provide evidence acceptable to the town that the unit/s has/have been approved by the DHCD Local Initiative Program (760 CMR 45.00) for listing on the Chapter 40B Subsidized Housing Inventory.
3. Neighborhood or community facility. A mixed-use development shall also provide a neighborhood or community facility, i.e., a facility open and available to residents of nearby neighborhoods or the town, and meets community needs as determined by the Planning Board. A neighborhood or community facility may include:
 - (a) A small public park with furnishings and pathways accessible to persons with disabilities.
 - (b) A tot lot or small neighborhood playground, with furnishings and pathways accessible to persons with disabilities.
 - (c) A bandstand.
 - (d) A fee in lieu of neighborhood or community facilities paid to the Lakeway Overlay District Fund. The fund shall be

the town's use to provide streetlights, sidewalks, trash receptacles, parking and public realm improvements in the Lakeway Overlay District, in accordance with a fee schedule approved by the Planning Board.

10. Special Permits in the Lakeway Overlay District.

The special permit Granting Authority (SPGA) for uses and structures in the Lakeway Overlay District shall be the Planning Board.

- a. Requirements. An application for a special permit in the Lakeway Overlay District shall include a written description of the proposal for which a special permit is requested and a Site Plan prepared by a Registered Professional Engineer and/or Registered Land Surveyor at an appropriate scale to clearly show dimensions, legend, and all other information deemed necessary to describe the site and its conditions. The application and accompanying plan(s) shall be of size, form, number and contents specified in the Lakeway Overlay District Submission Requirements and Procedures, adopted by the Planning Board and filed with the Town Clerk. After adoption of this Bylaw, the Planning Board shall prepare and adopt the Lakeway Overlay District Submission Requirements and Procedures following a public hearing.
- b. Site Plan Approval. The site plan approval requirements of Section VII.F(3) of this Bylaw shall apply to special permitted uses in the Lakeway Overlay District. For uses allowed by special permit, site plan review shall be conducted concurrently with the special permit application, review and determination procedures.
- c. Special Permit Granting Criteria. The Planning Board may approve a special permit for a proposed use or structure upon finding that the application complies with the purposes of this Bylaw, to the degree consistent with a reasonable use of the site for the purpose permitted within the Lakeway Overlay District. In making its decision, the Planning Board shall consider the following criteria:
 1. Compliance with the Shrewsbury Zoning Bylaw
 2. Consistency with the Shrewsbury Master Plan.
 3. The degree to which the development meets the "Lakeway Overlay District Design Guidelines" in Section 9.e of this Bylaw.
 4. The degree to which the applicant has preserved and enhanced a historically significant building or other historic or cultural resource, where applicable.
 5. The degree to which the applicant's proposal provides logical, safe pedestrian connections to other uses nearby.
 6. Protection of adjoining premises against detrimental or offensive uses on the site.

7. Adequacy of space for vehicular access to the site and off-street parking and loading/unloading on the site.
8. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways and land.
9. Adequacy of water supplies and distribution for domestic use fire protection.
10. Adequacy of the methods of storage and disposal for sewage, refuse and other wastes resulting from the uses permitted on the site and the methods of drainage or retention of surface water.

11. Off-Street Parking.

- a. Off-street parking shall be provided in accordance with Section VII.D, Off-Street Parking and Loading Regulations, except that in the Lakeway Overlay District, applicants may seek relief from strict compliance with the off-street parking requirements of this Bylaw by obtaining a special permit from the Planning Board.
- b. The Planning Board may grant relief by issuing a special permit to:
 1. Reduce the number of required parking spaces.
 2. Accept from the applicant a payment in lieu of parking spaces to the Lakeway Overlay District Fund.
 3. Authorize a combination thereof.

12. Use Variances.

Use Variances are not permitted in the Lakeway Overlay District.

13. Additional Requirements

The Planning Board may adopt rules and regulations necessary to implement this Bylaw after holding a public hearing. Rules and regulations adopted by the Planning Board shall be filed with the Town Clerk.